

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

878



**FROM:** Executive Office

**SUBMITTAL DATE:**  
September 13, 2011

**SUBJECT: Response to the Grand Jury Report: 2010/11 Grand Jury Report:  
Cooperative Extension Riverside County - Blythe**

**RECOMMENDED MOTION:** That the Board of Supervisors:

- 1) Approve with or without modifications, the attached response to the Grand Jury's recommendations regarding Cooperative Extension Riverside County - Blythe.
- 2) Direct the Clerk of the Board to immediately forward the Board's finalized response to the Grand Jury, to the Presiding Judge, and the County Clerk-Recorder (for mandatory filing with the State).

**BACKGROUND:** On July 26, 2011, the Board directed staff to prepare a draft of the Board's response to the Grand Jury's report regarding Cooperative Extension Riverside County - Blythe.

Section 933 (c) of the Penal Code requires that the Board of Supervisors comment on the Grand Jury's recommendations pertaining to the matters under the control of the Board, and that a response be provided to the Presiding Judge of the Superior Court within 90 days.

90dayresponsef11coopext09.13.11

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:
	Current F.Y. Net County Cost:	\$	Budget Adjustment:
	Annual Net County Cost:	\$	For Fiscal Year:

<b>SOURCE OF FUNDS:</b>	Positions To Be Deleted Per A-30
	Requires 4/5 Vote

**C.E.O. RECOMMENDATION:** APPROVE

BY: Jay E. Orr  
Jay E. Orr  
**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Buster, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Benoit and Ashley  
 Nays: None  
 Absent: Stone  
 Date: September 13, 2011  
 xc: EO, Grand Jury, Presiding Judge, Coop. Ext., Recorder

Kecia Harper-Ihem  
 Clerk of the Board  
 By: [Signature]  
 Deputy

Prev. Agn. Ref.: 3.3 - 07/26/11 | District: 4 | Agenda Number:

ATTACHMENTS FILED

**3.13**

Departmental Concurrence

Policy Policy

Consent Consent

Dept's Recomm.: Per Exec. Ofc.:

**2010-11 Grand Jury Response  
Cooperative Extension Riverside County - Blythe**

**Findings**

**1. Improper Storage of Toxic Chemicals with Flammable Chemicals**

A variety of flammable and toxic chemicals used in the lab are stored in a flame resistant (color coded yellow) metal cabinet in the workroom located in Cooperative Extension Department, but not all chemicals are stored in this cabinet. Two examples of stored chemicals are Acetone and Potassium Cyanide.

The Material Safety Data Sheet (MSDS) classified Acetone as EXTREMELY FLAMMABLE and the vapors of Acetone may cause a flash fire and are harmful if inhaled. The MSDS states, "...the Flash Point of Acetone is -4° F and should be handled under a vent hood with a proper ventilation system". Potassium Cyanide is classified as EXTREME HEALTH HAZARD, POISON. MSDS states, "...Do not store near combustibles or flammables because subsequent fire fighting with water could lead to cyanide runoff. Do not store under sprinkler system".

Handling and storage for both chemicals should be in a cool, dry, well ventilated location. The workroom where the chemicals are stored is maintained as an office space and is part of the buildings air conditioning system.

**Response:**

**-X--- UCCE Riverside County disagrees partially with the finding.**

UCCE agrees that Potassium Cyanide (KCN) is a highly toxic material. KCN was stored at the Blythe facility in a flammable storage cabinet, along with pesticides and other materials, including acetone, which is flammable. However the Material Safety Data Sheet (MSDS) that UCCE is using (Attachment 1) does not contain the recommendations about storage near combustibles or flammables that are quoted in the Grand Jury report. We have reviewed several other common sources for MSDS and also did not find these storage instructions. Further, while there is a notation that KCN is incompatible with water and reacts with acids, there was no restriction on storage under a sprinkler system in the MSDS we reviewed. In order to improve the safety of material storage, the acetone, alcohol, and any other flammable materials have been moved to a separate storage location in the lab, away from the storage cabinet, located in the work room. The KCN is stored in a water-tight secondary container, within a locked storage cabinet.

**2. Improper Ventilation in the Cooperative Extension Area**

The County Administrative Center in Blythe is designed to be office space with gaps under the doors, and centralized air conditioning units that serve multiple areas. A drying oven is located in the lab. The heated air from the oven is ventilated into the lab area. The air conditioner for the lab area also controls the temperature in a nearby conference room and a small office. The thermostat for the air conditioner is located in this conference room. At the request of Cooperative Extension Riverside County, the

Maintenance Department adjusted the controls for the air conditioner to maintain a temperature of 68° F. Office employees in nearby offices stated this resulted in “the conference room and office areas being unbearably cold”.

The County Administrative Center building was designed and built in 1997 to accommodate various departments in an open concept. Board of Supervisors Policy H4 states, the Facilities Management Department will: “Set air conditioning and heating controls to comply with settings so as not to cool below 76° F, and not to heat above 68° F. Where a single temperature set point is, or where a system cools and heats simultaneously, the equipment will be operated in a manner that minimizes the use of electrical energy.”

The different sections of the building all join through open spaces therefore anything that enters the air system in the lab will be circulated throughout the entire building.

MSDS states a hood is required for the proper handling of most chemicals used by the lab personnel. However, there is no laboratory hood located within the lab area. The MSDS do not identify a quantity level of unsafe hazardous materials; therefore all volumes and quantities must be treated as hazardous.

Riverside County Economic Development Agency, Facility Maintenance conducted an investigation into the ventilation of the lab area and wrote a report a section which is identified as “Plan B” dated May 3, 2011, which recommended necessary changes so the lab could become a self-contained unit.

- “Remove all existing ductwork (supply and return air) from AC 301 to this area.
- Install a new rooftop package unit and ductwork solely dedicated for the lab. Estimated cost \$10,000.00.
- Install an appropriately sized exhaust fan to adequately ensure a negative pressure room. Estimated cost \$1,300.00.”

**Response:**

**--X-- UCCE Riverside County disagrees partially with the finding.**

UCCE agrees that if the lab drying oven and other equipment are creating a “heat load” that causes an imbalance of cooling in other parts of the building, a separate ventilation system could improve the comfort and energy efficiency of the building. UCCE does not agree that a laboratory hood is “required for the proper handling of most chemicals used by the lab personnel” or that “MSDS do not identify a quantity level of unsafe hazardous materials.” The MSDS for some chemicals do recommend “general or local exhaust ventilation,” which could be accomplished by the recommended changes to the laboratory ventilation. Also, many of the MSDS do list permissible exposure levels for the various chemical ingredients. However, UCCE agrees that a separate ventilation system would isolate the lab atmosphere, removing the chance for any potential vapors to migrate from the lab to other parts of the building.

### **3. No Hazardous Materials Handler Permit**

California Health and Safety Code Chapter 6.95 and Riverside County Ordinance 651 states, "...any regulated substance or Federal Extremely Hazardous Substance or California Acutely Hazardous Substance below five gallons requires a Hazard Materials Business Emergency Plan and a permit with the County of Riverside Community Health Agency, Department of Environmental Health." At the time of this report, the Cooperative Extension has not submitted a Hazard Materials Business Emergency Plan to the proper authorities.

#### **Response:**

**--X-- UCCE Riverside County disagrees partially with the finding.**

The Grand Jury Report states that a Hazardous Materials Business Plan (HMBP) had not been submitted, however, UCCE submitted a HMBP, including appropriate inventory forms and spill procedures, to the Riverside County Department of Environmental Health (DEH), Hazardous Materials Management program on May 23, 2011. Subsequent to the Grand Jury report, on July 14, 2011, UCCE received the Hazardous Materials Management Permit from the DEH (Attachment 2). No further action is required at this time.

### **4. No Hazardous Materials Identification on Building**

In accordance with National Fire Protection Association (NFPA) 704, (Exhibit #1) requirements for handling hazardous materials and California Health & Safety Code, Chapter 6.95, Section 25000-25520, requires that there should be identification on any building that stores or uses hazardous materials. This advises all persons and especially firefighters of the types of chemicals that are maintained within the building.

#### **Response:**

**--X-- UCCE Riverside County disagrees partially with the finding.**

UCCE has reviewed NFPA 704 and CA Health & Safety Code (HSC) Section 25500-25520. We can find no requirement in the HSC relating to the NFPA 704 standard. It is our understanding that the NFPA 704 standard cited by the Grand Jury is only applicable if adopted by the local jurisdiction. The UCCE facility in Blythe was inspected on June 7, 2011 by the City of Blythe Fire Marshal for a "Fire & Life Safety Inspection." The inspection report by the Fire Marshal does not make any reference to a need for hazardous materials postings in compliance with NFPA 704. UCCE has been in contact with the Fire Marshal for the City of Blythe for clarification of this requirement. If the NFPA 704 postings are required, then we will work with the Riverside County Economic Development Agency/Facilities Management (EDA/FM) to procure and post the appropriate signs for the building.

### **5. No Hazardous Waste Generator Permit**

County of Riverside Hazardous Waste Generator form (HWG form dated 12/2005) identifies one type of waste as "Pesticide: Unusable portions of active pesticides, unrinsed empty containers, rinse water". For example the MSDS for Potassium

Cyanide states: "Dispose of container and unused contents in accordance with federal, state and local requirements". The lab personnel stated the chemical containers were washed in water and rinsed 3 times. At the time of this investigation, there was no Hazardous Waste Generator Permit.

**Response:**

**--X-- UCCE Riverside County disagrees wholly with the finding.**

UCCE does not generate any hazardous waste through its operations at the Blythe facility (or off-site operations by Blythe-based staff). The Grand Jury report asserts that empty pesticide containers must be disposed as hazardous waste. This is inaccurate, according to the attached guidance from the California Department of Toxic Substances Control (Attachment 3). Empty pesticide containers (and other chemical containers) may be rinsed and recycled or disposed of as regular trash. The rinsate must be managed properly (i.e. used in a manner consistent with the pesticide label), and the container shall be punctured and the label defaced prior to disposal or recycling. The UCCE Farm Advisor handles empty pesticide containers in this manner. Empty containers that held an Extremely Hazardous Substance (such as potassium cyanide) are an exception to these disposal methods. Empty containers of Extremely Hazardous Substances must be managed as a hazardous waste, including labeling, storage times, and disposal. To date, no empty containers of Extremely Hazardous Substances have been generated. If UCCE anticipates that its operations will generate a hazardous waste (either as an empty container of Extremely Hazardous Substance or another process that generates a hazardous waste), UCCE will contact Riverside County DEH and make the appropriate notifications and apply for permits as necessary.

**6. Improper Form Used for Hazardous Materials Inventory**

The inventory list of chemicals (Exhibit #2) is not recorded on the correct form required by the County of Riverside. The correct form is Office of Emergency Services (OES) Form 2731 (Exhibit #3). A separate form is required for each chemical and updated when a chemical is changed or moved.

**Response:**

**--X-- UCCE Riverside County disagrees wholly with the finding.**

The inventory submitted to the Grand Jury was intended for informational purposes and was not intended to meet any regulatory requirement. As such, in the interest of open disclosure, a full listing of the chemicals stored or used at the Blythe facility was provided to the Grand Jury. For purposes of a Hazardous Materials Business Plan (HMBP), Riverside County DEH only requires reporting of chemicals that exceed certain quantity thresholds (55 gallons of liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas), or chemicals that are classified as Extremely Hazardous Substances. None of the chemicals stored or used at the UCCE Blythe facility exceed these quantity thresholds. However, two chemicals are classified as Extremely Hazardous Substances and are therefore subject to a HMBP. UCCE used Form 2731 for reporting these two chemicals when submitting the HMBP and applying for its permit with Riverside County DEH.

## Recommendations

1. ***The Cooperative Extension Riverside County, Blythe store all chemicals in compliance with the appropriate MSDS.***

### Response:

--X-- The recommendation has been implemented.

All chemicals stored in the UCCE areas of the Blythe facility are stored in compliance with their MSDS.

2. ***The Cooperative Extension Riverside County, Blythe remodel the lab as a self-contained unit by implementing "Plan B" of the Riverside County Economic Development Agency, Facility Maintenance Report dated May 3, 2011.***

### Response:

--X-- The recommendation has not yet been implemented, but will be implemented in the future.

UCCE Riverside County is working with the County to secure funds for renovations that would provide a fume hood and separate exhaust system to the UCCE lab areas. Working with the County EDA/FM department, the modifications will be made as soon as is practical, once the funding is identified.

3. ***The Cooperative Extension Riverside County, Blythe create a Hazardous Materials Business Plan and obtain a Hazardous Materials Handlers Permit, as required by Safety Code Chapter 6.95 and Riverside County Ordinance 651.***

### Response:

--X-- The recommendation has been implemented. Provide a summary regarding the implemented action:

UCCE has submitted a Hazardous Materials Business Plan, including all required forms and fees to the Riverside County DEH, Hazardous Materials Management Branch. The Hazardous Materials Management Permit (Attachment 2) was received on July 14, 2011, and is posted as required. No further action is required at this time.

4. ***The Cooperative Extension Riverside County, Blythe place hazardous materials identification plaques on all entrances into the County Administration Center Building, Blythe in accordance with NFPA 704.***

### Response:

--X-- a. The recommendation requires further analysis.

As noted in the response to Finding 3 above, the UCCE Blythe facility has been inspected by the Blythe Fire Marshal, which is authorized to enforce compliance with state and local fire codes. The Fire Marshal inspection report does not reference a need for hazardous materials postings in compliance with NFPA 704. UCCE has contacted the Fire Marshal for the City of Blythe for clarification of this recommendation.

**Provide a time frame for analysis or study to be completed by the department/agency.**

UCCE is awaiting clarification of local code compliance from the City of Blythe Fire Marshal and anticipates that this issue should be resolved by September 15, 2011. If the NFPA 704 postings are required by the Fire Marshal, then UCCE will work with the Riverside County Economic Development Agency/Facilities Management to procure and post the appropriate signs for the building.

**5. The Cooperative Extension Riverside County, Blythe obtain a Hazardous Waste Generator Permit, (HWG Form 12/2005).**

**Response:**

**--X-- The recommendation will not be implemented because it is not warranted.**

As noted in the response to Finding 5 above, UCCE does not generate any hazardous waste. Therefore, after discussion with the Supervising Hazardous Materials Specialist at Riverside County DEH, Hazardous Materials Management Branch, a Hazardous Waste Permit is not required.

**6. The Cooperative Extension Riverside County, Blythe conform to Office of Emergency Services (OES) Form 2731 used for inventory of hazardous materials.**

**Response:**

**--X-- The recommendation has been implemented.**

UCCE submitted a Hazardous Materials Business Plan (HMBP) to the Riverside County DEH, Hazardous Materials Management Branch, on May 23, 2011. The HMBP included inventory forms (Form 2731) for two chemicals that were required to be reported to DEH. A Hazardous Materials Management Permit was received on July 14, 2011. Future updates to the chemical inventory will be reported to the DEH as required.

UCCE continually strives to conduct its operations in a manner that is safe and compliant with a myriad of complex environmental and safety laws and regulations. If you require any additional information in support of these responses, please let us know.